Declaration

I, Hugh Semple Munro, hereby declare as follows:

1. I am the first named inventor on this patent application. I am Head of Research and Development at First Water Limited, a company which produces hydrogel compositions for biomedical purposes. I have over 20 years of experience in researching hydrogels. I obtained a B.Sc. degree with Honours in Chemistry from Paisley University in 1979 and a Ph.D. from Durham University in 1982 in Polymer Science.

2. I have studied the Office Action of 9 July 2008 and note that claims 40-46, 49, 51-55, 69-72 and 81-84 are rejected as claiming subject matter that the Examiner considers obvious over US Patent No. 6,136,873 ("Hahnle"). It is noted that the Examiner correctly states that *"[t]he reference does not expressly disclose the structure of the resulting hydrogels, i.e., whether the hydrogels contain two distinct portions and their respective characteristics, such as thickness or cell void volume, etc."*

3. However, I disagree with an assumption by the Examiner that: *"it is reasonable [sic] believed that the hydrogels disclosed in the references inherently and necessarily exhibit the claimed two portion structure with all the claimed characteristics, as obtained by substantial [sic] identical process and substantially identical compositions as disclosed in the instant specification."*

4. Hahnle relates to water-absorbing, expanded, crosslinked foamed polymers. These polymers are formed from very stable foamed aqueous mixtures. It should be noted, for example, that Hahnle indicates that the foamed aqueous mixtures are stable "over a lengthy period, eg. up to 6 hours" in column 10, lines 55 to 62.

5. The Examples in Hahnle each involve forming a foamed aqueous liquid polymerisable composition, and transferring the liquid composition into a mould. The composition is then polymerised, either by exposure to light or to microwaves. There is no mention of a delay between the transfer of the foamed liquid compositions to the mould. As a researcher in the field, I would assume that the polymerisation should be carried out fairly shortly after transferring the liquid composition to the mould. In view of the lack of delay and the stability of the foamed liquid compositions in Hahnle, I would not expect any draining would occur to form a two-portion composition having an underlying relatively non-foamed portion and an overlying foamed portion, particularly not an underlying portion having a cell void to matrix volume ratio of less than 1:10 and an overlying portion having a cell void to matrix volume ratio of more than 1:3.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardise the validity of the application or any patent issued thereon.

10 December 2008

Dated

Hugh S. Munro.

Hugh Semple Munro